IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Bail Appl..No. 946 of 2007()

CRIME NO.165/06 OF VARANTHARAPPALLY POLICE STATION

: PETITIONER/ACCUSED

LATHEEF.P.P., AGED 33 YEARS,
S/O.ALIKUTTY, POTTENGAL HOUSE,
VELUPPADAM P.O., KINER STOP, THRISSUR.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
VARANTHARAPPILLY POLICE STATION.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 946 OF 2007

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DATED THIS THE 15th DAY OF FEBRUARY, 2007

O R D E R

This is the third application for anticipatory bail filed by the petitioner who is the accused in Crime No.165/06 of Varantharappally Police Station for an offence punishable under section 307 read with section 25(1)(a) of the Arms Act, 1959.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that out of his previous enmity towards the de facto complainant, trespassed upon his property at about 9.45 AM on 7.9.2006 and attacked him with an unlicensed gun.

4. Even though this court had given the petitioner an opportunity to surrender before the Investigating Officer for interrogation and then to have his application for regular bail disposed of, the petitioner has not chosen to avail the benefit of the said order. Instead, he has filed the present petition again seeking anticipatory bail. I am not inclined to grant anticipatory bail to the petitioner. However, as a measure of indulgence, I am inclined to give the petitioner one more opportunity to surrender before the Investigating Officer and then to have his application for regular bail disposed of. By

the Magistrate. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 20.2.2007 and 22.2.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioner shall thereafter be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn